

110TH CONGRESS
1ST SESSION

H. R. 4030

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2007

Ms. HOOLEY (for herself, Ms. SOLIS, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Chemical
5 Risk Reduction Act”.

6 **SEC. 2. BAN ON CERTAIN PRODUCTS CONTAINING**
7 **PHTHALATES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) phthalates are a class of chemicals used in
10 polyvinyl chloride (PVC) plastic to improve flexibility

1 and in cosmetics to bind fragrance to the product
2 and are used in many products intended for use by
3 young children, including teethingers, toys, and soft
4 plastic books;

5 (2) there is extensive scientific literature report-
6 ing the hormone-disrupting effects of phthalates and
7 substantial evidence of phthalates found in humans
8 at levels associated with adverse effects.

9 (b) BANNED HAZARDOUS SUBSTANCE.—Effective
10 January 1, 2009, any children’s product or child care arti-
11 cle that contains a phthalate shall be treated as a banned
12 hazardous substance under the Federal Hazardous Sub-
13 stances Act (15 U.S.C. 1261 et seq.) and the prohibitions
14 contained in section 4 of such Act shall apply to such
15 product article.

16 (c) PROHIBITION ON USE OF CERTAIN ALTER-
17 NATIVES TO PHTHALATES IN CHILDREN’S TOYS AND
18 CHILD-CARE PRODUCTS.—

19 (1) IN GENERAL.—If a manufacturer modifies a
20 children’s product or child care article that contains
21 a phthalate to comply with the ban under subsection
22 (b), such manufacturer shall—

23 (A) use an alternative to phthalates that is
24 the least toxic; and

1 (B) not use any of the prohibited alter-
2 natives to phthalates described in paragraph
3 (2).

4 (2) PROHIBITED ALTERNATIVES TO
5 PHTHALATES.—The prohibited alternatives to
6 phthalates described in this paragraph are the fol-
7 lowing:

8 (A) Carcinogens rated by the Environ-
9 mental Protection Agency as Group A, Group
10 B, or Group C carcinogens.

11 (B) Substances described in the List of
12 Chemicals Evaluated for Carcinogenic Potential
13 of the Environmental Protection Agency as fol-
14 lows:

15 (i) Known to be human carcinogens.

16 (ii) Likely to be human carcinogens.

17 (iii) Suggestive of being human car-
18 cinogens.

19 (C) Reproductive toxicants identified by
20 the Environmental Protection Agency that
21 cause any of the following:

22 (i) Birth defects.

23 (ii) Reproductive harm.

24 (iii) Developmental harm.

25 (d) DEFINITIONS.—As used in this Act—

1 (1) the term “children’s product” means a toy
2 or any other product designed or intended by the
3 manufacturer for use by a child;

4 (2) the term “child care article” means any
5 product designed or intended by the manufacturer to
6 facilitate sleep, relaxation, or the feeding of children,
7 or to help children with sucking or teething; and

8 (3) the term “children’s product or child care
9 article that contains a phthalate” means—

10 (A) a children’s product or a child care ar-
11 ticle any part of which contains any combina-
12 tion of di-(2-ethylhexyl) phthalate (DEHP),
13 dibutyl phthalate (DBP), or benzyl butyl
14 phthalate (BBP) in concentrations exceeding
15 0.1 percent; and

16 (B) a children’s product or a child care ar-
17 ticle intended for use by a child less than 3
18 years of age that—

19 (i) can be placed in a child’s mouth;

20 and

21 (ii)(I) contains any combination of
22 diisononyl phthalate (DINP), diisodecyl
23 phthalate (DIDP), or di-n-octyl phthalate
24 (DnOP), in concentrations exceeding 0.1
25 percent; or

1 (II) contains any combination of di-
2 (2-ethylhexyl) phthalate (DEHP), dibutyl
3 phthalate (DBP), benzyl butyl phthalate
4 (BBP), diisononyl phthalate (DINP),
5 diisodecyl phthalate (DIDP), or di-n-octyl
6 phthalate (DnOP), in concentrations ex-
7 ceeding 0.1 percent.

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